

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

FRANCISCUS MARIA BERDINA GERRITS §

VS. § CIVIL ACTION NO. 4:14CV778

MELINDA ROBINSON, EMPLOYEE OF §  
UNITED STATES MARSHALS SERVICE

MEMORANDUM OPINION AND ORDER

Petitioner Franciscus Maria Berdina Gerrits filed a petition for writ of habeas corpus pursuant to 28 U.C. § 2241. The court ordered that an answer be filed. However, on December 17, 2014, Petitioner filed a motion to dismiss the action as moot since he has since been released from custody.

Federal Rule of Civil Procedure 41(a)(1) allows a plaintiff to move voluntarily for dismissal prior to the filing of an answer. *Cooter & Gell v. Hartmarx Corp.*, 496 U.S. 384, 393, 110 S. Ct. 2447, 2455, 110 L. Ed.2d 359 (1990). Respondent has not filed an answer. Accordingly, it is

**ORDERED** that Petitioner's motion to dismiss (docket entry #9) be **GRANTED**. It is further

**ORDERED** that the petition for a writ of habeas corpus is **DISMISSED** without prejudice. Finally, it is

**ORDERED** that all motions by either party not previously ruled on are hereby **DENIED**.  
**SIGNED this 28th day of January, 2015.**

  
AMOS L. MAZZANT  
UNITED STATES DISTRICT JUDGE